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EMPLOYMENT

TRIBUNALS

BETWEEN

Claimant

Mr M O'Sullivan

and

Respondent

Future Home Care Limited

Held at Ashford on 25 October 2018

Representation

Claimant:

In Person

Respondent:

Mr B Harwood-Ferreira,
Counsel

Employment Judge Kurrein

JUDGMENT ON REMEDY

- 1 The total award in favour of the Claimant is £24,000.35
- 2 For the purposes of the Recoupment Regulations:-
 - 2.1 The prescribed sum is £11,622.78
 - 2.2 The prescribed period is 19 October 2017 to 12 February 2018
 - 2.3 The total award exceeds the prescribed sum by £12,380.62

REASONS

- 3 There was no real dispute regarding the appropriate award. The Respondent accepted the findings of fact in my Judgment on liability. The Claimant had gained new employment, albeit not full time until more recently, in early April 2018. He only sought 10 weeks future loss.
- 4 My calculations were based on the following:-
 - 4.1 He was aged 52 at the EDT with over 12 years service.
 - 4.2 He was entitled to 12 weeks notice.
 - 4.3 He was entitled to a basic award equivalent to 18 weeks gross pay.
 - 4.4 His net pay, including pension contributions, was £383.57.

- 4.5 His gross basic pay was £387.76.
- 5 He was therefore entitled to the following awards:-

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- 5.1 Compensation for breach of contract in the sum of £4,602.84
- 5.2 A Basic Award in the sum of £6,977.88
- 5.3 A Compensatory Award including
- 5.3.1 Loss of statutory rights of £300
- 5.3.2 Loss of earnings to date for 38 weeks of £14,575.66, less earnings in mitigation of £2,952.88, giving a net figure of £11,622.78
- 5.3.3 Future loss of earnings in the sum of £500.00.
- 6 I make those awards in favour of the Claimant.

Employment Judge Kurrein

25 October 2018

